

REMARKS

Claims 1-6 and 14-17 remain pending in the application. Claims 7-13 are cancelled. Claims 18-22 are newly drafted. Applicant respectfully requests consideration in light of the remarks presented herein.

Applicant's invention is directed to an apparatus and method for protecting copyrighted media content stored on a portable storage medium. The portable storage medium stores encrypted media content along with a key request program. The key request program is executed by a playback device. The playback device executing the key request program issues a request for a key to a management device. The management device receives the key request and determines if the right to access the media content stored on the portable storage medium has been purchased. If the rights have been purchased, the management device sends the playback device a key for decrypting the encrypted media content stored on the portable storage medium. With the key, the playback device retrieves the encrypted media content from the portable storage device and decrypts the encrypted media content for presentation to a user.

By embedding the key request program on the portable storage medium along with the encrypted media content, Applicant provides an additional security feature. To view the media content, a user must have the portable storage medium having both the encrypted media content and the key request program. Having the key request program on the same portable medium as the media content makes pirating the media content more difficult since the key request program may be tailored to present user or medium attributes to the key management device insuring the key is distributed only to specific devices or users.

The advantage of Applicant's invention is not limited to security. With Applicant's invention, media content may be pre-distributed with licenses sold after distribution. Using this business model, media content on the storage medium is encrypted with the management device

denying requests for a decryption key until there is a valid license agreement. The license agreement may even contain a start and end date. The management device, in this way, controls access to the encrypted media content on the portable storage medium through key distribution.

Claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Novak* (U.S. Pat. No. 6,865,555). Claims 7-13 are cancelled herein. Applicant respectfully traverses the rejection of all pending claims.

Novak's disclosure is directed toward a system and method for providing conditional access to digital content for interactive television, (*Novak*, Column 2, Lines 41-43). According to *Novak*, viewer requests 409 for access to digital content are sent to a verification entity 406 through a permanent or temporary network, (*Novak*, Figure 4, Column 3, Lines 42-49). *Novak* asserts the requests 409 sent to the verification entity may be embodied in a suitable format such as eXtensible Markup Language (XML), (*Novak*, Column 10, Lines 53-58). On receiving the requests 409, the verification entity 406 acquires a license 411 for the digital content and sends the license 411 to a requestors television set top box 102, (*Novak*, Figure 4, Column 11, Lines 9-16). After receiving the license from the verification entity 406 (step 1106), the set top box 102 decrypts an encrypted access key 414 or key stream, (*Novak*, Column 3, Lines 47-49). The decrypted access key 414 is then stored in secure volatile memory, (*Novak*, Column 3, Lines 42-45).

Encrypted digital content 420 can then be received (step 1112) from a physical medium such as a DVD or a CD, (*Novak*, Figure 11, Column 3, Lines 62-63). The access key 414 stored in nonvolatile memory may then used to decrypt the encrypted digital content 420 (Step 1114), (*Novak*, Figure 11, Column 3, Line 64-65).

Novak's disclosure, however, fails to disclose or suggest a key feature of Applicant's invention. That is, a key request program for requesting a decryption key from a management

device. *Novak*, also fails to disclose another key feature of the invention. That is, the key request program is stored in the same storage medium as the encrypted digital media.

Claims 1 and 6 recite “a recording medium, which stores the encrypted content encrypted using an encryption key, and a key request program for requesting the management device for the decryption key”. Claim 14 recites “the recording medium stores the encrypted content encrypted using an encryption key, and a key request program”. Claim 15-17 recite “a portable recording medium which stores the encrypted content and a key request program”. Each of these recitals limit the recording medium to storing content and a key request program. The Office Action asserts these limitations are taught by *Novak*, (Office Action, Page 3, Lines 8-11).

Applicant respectfully traverses.

Novak's request 409 is a request for a license, and is not a key request program (*Novak*, Column 2, Lines 59-61). In response to a request 409, *Novak*'s verification entity 406 sends a license 411 to a set top box 102, (*Novak*, Figure 5). The license prompts the set top box to decrypt an access key 414 already stored in the set box 102 the set top box 102, (*Novak*, Figure 5). *Novak*, therefore, does not teach a key request program since an access key 414 is already stored in the set top box 102. Moreover, *Novak*'s received license is stored in volatile memory and therefore it is not stored on the same physical recording medium as the media content which is stored on a CD or DVD, (*Novak*, Column 3, Lines 42-45). The lack of disclosure or suggestion of either of these limitations makes claims 1, 6 and 14-17 patentable over *Novak*.

Applicant's key request program embedded on the portable storage medium is an important feature. This feature allows the content distributor to insure that keys are distributed only to user having possession of the portable storage medium. This prevents unauthorized distribution of encrypted content and decryption keys to portable storage media in the possession of unauthorized users.

Claims 2-5 depend from claim 1 and are patentable for the same reasons as claim 1. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claims 18-22 are newly drafted and recite embodiments of the invention previously disclosed but not claimed. Claim 18 recites a key request program executing unit 304 operable to read from the recording medium and execute the key request program; a key receiving unit 301 operable to receive the decryption key from the management device; a content reading unit 307 operable to read the encrypted content from the recording medium; and a playback unit (Application, Page 3, 1st paragraph) operable to decrypt the encrypted content using the decryption key and playback the decrypted content, (Application, Figure 11, Page 3, 1st paragraph. Claim 19 recites the playback device of claim 18 wherein the key request program authenticates the user, (Application Figure 9). Claim 20 and 21 recites the playback device of claim 19 wherein the recording medium having the key request program and the encrypted content is a compact disk. The playback device of claim 19 recites the recording medium having the key request program and the encrypted content is a DVD. The playback device of claim 1 wherein the management device determines if a key requested by the key request program should be sent to the content reading unit using based on one or more criteria, (Application, Figure 9).

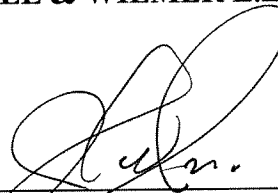
Claims 18-22 also recites the recording medium stores the encrypted content encrypted using an encryption key, and a key request program. As explained above for the same recitation in Claim 14, *Novak* fails to disclose or suggest this feature making claim 14 patentable over *Novak*.

For the reasons stated above, Applicant now believes the application is in condition for allowance and early notification of the same is respectfully requested.

If the Examiner believes a further telephone conference would assist in the prosecution,
the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

SNELL & WILMER L.L.P.

A handwritten signature in black ink, appearing to read 'J. Price', is written over a horizontal line.

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